



The American University of Kurdistan Gift Acceptance Policy

Policy Number: AF001
Effective Date: June 6, 2022

CONTENT

- I. Introduction
- II. Roles and Responsibilities
- III. Definition
- IV. Policy Statement
- V. Policy Principles
- VI. Policy Procedures
- VII. Policy History

I. INTRODUCTION

- a. **Authority:** The Board of Trustees (herein referred to as “Board”) at The American University of Kurdistan (herein referred to as “AUK” or “University”) is authorized to establish rules and regulations to govern and operate the University and its programs.
- b. **Purpose:** This policy defines the procedures for gift acceptance. The University is committed to the highest standards of professional ethics in managing fundraising activities.
- c. **Scope:** This policy applies to all donations from philanthropic sources.

II. ROLES AND RESPONSIBILITIES

- a. **Responsible Executive:** Vice President of Advancement
- b. **Responsible Administrator:** Vice President of Advancement
- c. **Responsible Office:** Office of Advancement
- d. **Policy Contact:** Vice President of Advancement

III. DEFINITION

The Council for Advancement and Support of Education (CASE)

CASE, a global non-profit association dedicated to educational advancement, helps its members build stronger relationships with their constituencies of alumni, donors, prospective students, parents, government officials, community leaders, corporate executives, foundation officers and other external constituencies; <https://www.case.org/>

CASE provides the following definitions for gift, grant and contract:

- Gift: A contribution received by an institution for either unrestricted or restricted use in the furtherance of the institution for which the institution has made no commitment of resources or services other than, possibly, committing to use the gift as the donor specifies.
- Philanthropic private grant: An award that is non-contractual in nature but for which one or more of the following characteristics might apply:
 - Provision for audits by grantor.
 - Specified period of performance is prescribed or termination is at the discretion of the grantor.
 - Grantor requires report of grant results or expenditures.
 - Testing or evaluation of proprietary products is involved.
 - Grantor states a precise scope of work rather than general area of programmatic support.
 - Unexpended funds must be returned to the grantor.
 - Grantor requests patent rights or right to review publications resulting from the supported activity prior to submission.

The determination of when private support constitutes a philanthropic private grant must be made by looking at the award in its entirety rather than through a defined set of criteria.

- Contract: An agreement between the institution and another entity to provide an economic benefit for compensation. The agreement is binding and creates a quid pro quo relationship between the institution and the entity. Such contracts are excluded from the institution's fundraising totals. Note: This definition is not intended to address gift annuity contracts or similar charitable instruments.

IV. POLICY STATEMENT

The American University of Kurdistan (AUK) accepts philanthropic gifts that support the achievement of the University's mission. Giving to the University encompasses a variety of types of gifts that offer restricted and unrestricted support to the University. The University is grateful to all donors supporting AUK's mission.

V. POLICY PRINCIPLES

A. Conflict of Interest

Prohibition against personal benefit: Individuals who engage in the solicitation of gifts or grants on behalf of the University shall not personally benefit by way of commission, contract fees, salary, or other benefits from any donor in the performance of their duties on behalf of the University.

B. Responsibility to Donors

- Confidentiality: Information concerning all transactions between a donor and the University shall be held by the University in confidence, and may be disclosed only with the permission of the donor or the donor's designee.
- Anonymity: The University shall respect the wishes of any donor offering anonymous support and will implement reasonable procedures to safeguard such donor's identity.

C. Gift Restrictions

AUK commits to use the gifts in a manner consistent with the stated intentions of the donor. Because AUK will comply with the donor restrictions, only gifts that are consistent with the University's values, bylaws, policies, as well as supports the furtherance of AUK's mission, may be accepted.

General Policies

- AUK will not accept any gift that interferes with or impacts the University's standard of academic freedom, or its capacity to fully control the management, operations, and direction of its affairs.
- Restrictions placed on a gift by the donor must be agreed to by AUK before the gift is made, in writing.
- AUK will not accept any gift restrictions that would permit the donor to designate an individual, such as a family member, for certain University benefits: an academic post, student financial support, or other comparable benefits.
- AUK will not accept any donor restrictions regarding the conditions or terms of a financial aid gift that are inconsistent with AUK's scholarship policy.

D. Gift Acceptance Committee

The Gift Acceptance Committee consists of the President (chair), Director of Advancement, Director of Finance, Legal Counsel, Provost, Board representative.

The Gift Acceptance Committee is responsible for reviewing all gifts made to AUK, screening and accepting gifts. All gifts over \$100,000 will be reviewed and referred to the Board's Advancement Committee for recommendation to the full Board for approval. The Board of Trustees accepts or declines any gift. For gifts-in-kind, the Committee will evaluate any additional resources may be needed for acquisition or use of the gift.

Changes to Gift Acceptance Policy: The AUK Gift Acceptance Committee must approve any changes to or deviations from the Gift Acceptance Policy.

E. Types of Gifts

1. Cash

Gifts of money in the form of cash, wire transfers, checks, credit/debit card charges, money orders, and direct deposit, will be accepted for restricted and unrestricted purposes.

2. Real Estate

Gifts of real estate may include developed property, undeveloped property, or gifts subject a prior life interest. Prior to acceptance, the gift will be reviewed and decision made by the Gift Acceptance Committee. Prior to the acceptance of real estate, the University shall require a licensed third party to conduct a property appraisal and an environmental audit of the property. The Gift Acceptance Committee will review the appraisal and audit and decide whether the University will accept or decline the gift. The matter may also be referred to the Board's Advancement Committee for consideration. Criteria for acceptance of the property shall include:

- How will the property further the University's mission?
- Is the property marketable? Is the benefit of the property in its exchange value or use value?
- Are there any restrictions, reservations, easements, liens or other limitations on the use or sale of the property?
- Are there any carrying costs for the property (such as insurance, taxes and mortgages, or notes, etc. associated with the property)?
- Does the environmental audit show that the property is compromised or has any issues related to toxic or hazardous materials?

3. Gifts-in-kind

The University may consider accepting gifts-in-kind which may include, but not be limited to, the following: Equipment and furniture, software and software licenses, supplies, works of art, books or other matter intended for study or exhibition, food and beverages, services, real estate and intellectual property.

4. Bequests

Bequests are gifts from a donor's estate made through a donor's estate plan for the University's benefit after the death of the donor or another named individual. All bequest gifts shall be designated for the University endowment.

5. Life Insurance

A donor can name the University as the beneficiary and irrevocable owner of a life insurance policy, the University will receive the proceeds of the policy, upon the donor's death. If the donor contributes future premiums, the premium payments may be taken as tax deductible gifts to the University. If the donor does not continue to make gifts to cover premium payments, the University may:

- Continue to pay the premiums,
- Convert the policy to paid up insurance, or
- Surrender the policy for its current cash value.

6. Retirement Plan Assets

Donors and supporters are encouraged to name the University as beneficiary of their retirement plans. Donors may give all or part of the assets of certain types of retirement plans to the University upon the donor's death or the death of the donor's spouse.

7. Donor Recognition

The University honors donors who have contributed to support its mission and the advancement of AUK. The Office of Advancement will approve all publicity and public relations campaigns regarding gifts and donor recognition. Recognition may be through the University communications and public relations, and through donor stewardship programs.

Donors may be honored on donor recognition boards, signage, plaques, and by other means. The University may honor donors by granting naming rights for the specific facility or program.

The University will not recognize donors or the person/institution being honored by displaying statues, busts, 3D images, portraits, or company logos.

The form of recognition will be approved by the donor and follow their specifications to the extent possible.

VI. POLICY PROCEDURES

AUK endorses and adheres to a Donor Bill of Rights that was developed by the American Association of Fund-Raising Counsel (AAFRC), Association for Healthcare Philanthropy (AHP), Council for Advancement and Support of Education (CASE), and the Association of Fundraising Professionals (AFP), and adopted in November 1993, stating:

Donor Bill of Rights

Philanthropy is based on voluntary action for the common good. It is a tradition of giving and sharing that is primary to the quality of life. To assure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the not-for-profit organizations and causes they are asked to support, we declare that all donors have these rights:

- *To be informed of the organization's mission, of the way the organization intends to use donated resources, and of its capacity to use donations effectively for their intended purposes.*
- *To be informed of the identity of those serving on the organization's governing board, and to expect the board to exercise prudent judgment in its stewardship responsibilities.*
- *To have access to the organization's most recent financial statements.*
- *To be assured their gifts will be used for the purposes for which they were given.*
- *To receive appropriate acknowledgment and recognition.*
- *To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law.*
- *To expect that all relationships with individuals representing organizations of interest to the donor be professional in nature.*
- *To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors.*
- *To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share.*
- *To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers*

AUK will follow the guidelines promoted by CASE in executing all philanthropic solicitations, activities, and events.

CASE Statement of Ethics

Institutional advancement professionals, by virtue of their responsibilities within the academic community, represent their colleges, universities, and schools to the larger society. They have, therefore, a special duty to exemplify the best qualities of their institutions and to observe the highest standards of personal and professional conduct.

In so doing, they promote the merits of their institutions, and of education generally, without disparaging other colleges and schools.

Their words and actions embody respect for truth, fairness, free inquiry, and the opinions of others.

They respect all individuals without regard to race, color, sex, sexual orientation, marital status, creed, ethnic or national identity, handicap, or age.

They uphold the professional reputation of other advancement officers and give credit for ideas, words, or images originated by others.

They safeguard privacy rights and confidential information.

They do not grant or accept favors for personal gain, nor do they solicit or accept favors for their institutions where a higher public interest would be violated.

They avoid actual or apparent conflicts of interest and, if in doubt, seek guidance from appropriate authorities.

They follow the letter and spirit of laws and regulations affecting institutional advancement.

They observe these standards and others that apply to their professions and actively encourage colleagues to join them in supporting the highest standards of conduct.

The CASE Board of Trustees adopted the above Statement of Ethics to guide and reinforce professional conduct in all areas of institutional advancement. The statement is also intended to stimulate awareness and discussion of ethical issues that may arise in our professional activities. The Board adopted the final text on July 11, 1982.

VII. POLICY HISTORY

- a. **Approved by:** Board of Trustees
- b. **Adopted:** June 6, 2022